

Amendment to the Claims

What is claimed is:



1. (original) A soybean seed designated S04-97026-N99-42648-01, a sample of said seed deposited under ATCC Accession No. XXXX.
2. (original) A plant, or parts thereof, produced by growing the seed of claim 1.
3. (original) Pollen of the plant of claim 2.
4. (original) A soybean plant, or parts thereof, having all of the physiological and morphological characteristics of the soybean plant of claim 2.
5. (original) A tissue culture of regenerable cells of the soybean plant of claim 2.
6. (currently amended) The tissue culture according to claim 5[6], wherein the cells are obtained from the group consisting of leaves, pollen, embryos, meristematic cells, roots, root tips, anthers, stomatal cells, flowers, seeds, stems and pods.
7. (original) A soybean plant regenerated from the tissue culture of claim 6, having all of the morphological and physiological characteristics of soybean cultivar S04-97026-N99-42648-01
8. (original) A method for producing a soybean seed comprising crossing two soybean plants and harvesting the resultant soybean seed, wherein at least one soybean plant is the soybean plant of claim 2.
9. (original) A method for producing a hybrid soybean seed comprising crossing the soybean plant according to claim 2 with a second soybean plant and harvesting the resultant hybrid soybean seed.

10. (original) A method for producing a S04-97026-N99-42648-01-derived soybean plant, comprising:
  - a) crossing soybean line S04-97026-N99-42648-01, a sample of said line deposited under ATCC Accession No. XXXX, with a second soybean plant to yield progeny soybean seed; and
  - b) growing said progeny soybean seed to yield said S04-97026-N99-42648-01-derived soybean plant.
11. (original) The method of claim 8, wherein the second soybean plant is transgenic.
12. (currently amended) The method of claim 11 wherein the transgenic soybean plant contains genetic material conferring a trait selected from the group consisting of herbicide resistance, insect resistance, resistance to disease, and male sterility.
13. (original) The method of claim 12 wherein the resistance to disease is through an oxalate oxidase encoding polynucleotide sequence or an oxalate decarboxylate encoding polynucleotide sequence.